

Docket No.
S-93,994

Declaration and Power of Attorney For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

MODIFIED CELLULOSE SYNTHASE GENE FROM ARABIDOPSIS THALIANA CONFERS HERBICIDE RESISTANCE TO PLANTS

the specification of which

(check one)

☒ is attached hereto.

☐ was filed on _____ as United States Application No. or PCT International Application Number _____ and was amended on _____ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

60/159,369

10/14/99

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

(Application Serial No.)

(Filing Date)

(Status)
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)
(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

0966234-0100

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

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Robert J. Marchick 27,057
Michael P. Hoffman 30,183
Virginia B. Caress 34,062
John T. Lucas 36,860

Robert J. Fisher 26,163
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Connie Berg 630-252-2169

Full name of sole or first inventor	Chris R. Somerville	
Sole or first inventor's signature	<i>Chris R. Somerville</i>	Date October 1, 2000
Residence	USA	
Citizenship	USA	
Post Office Address	5 Valley Oak, Portola Valley CA 94028	

Full name of second inventor, if any	Wolf Schieble	
Second inventor's signature	<i>Wolf Schieble</i>	Date
Residence	USA	
Citizenship	German	
Post Office Address	886 Roble Ave, Menlo Park CA 94025	

U. S. Department of Energy

PATENT ASSIGNMENT FORM

WHEREAS, we, Chris R. Somerville citizen of the United States residing in Portola Valley, County of San Mateo, State of California; and Wolf Schieble, citizen of Germany residing in Menlo Park, County of San Mateo, State of California; have invented certain new and useful improvements in MODIFIED CELLULOSE SYNTHASE GENE FROM ARABIDOPSIS THALIANA CONFERS HERBICIDE RESISTANCE TO PLANTS, for which we are about to file an application for United States Letters Patent identified as S-93,994 and executed by us on the 1st day of October 2000; and on the 1st day of October 2000;

WHEREAS, the Government of the United States desires to acquire the entire right, title, and interest in and to said invention and in and to any Letters Patent wherever they may be issued thereon;

NOW, THEREFORE, to all whom it may concern, be it known that for and in consideration of the sum of One Dollar to us in hand paid by the Government of the United States, and for other good and valuable consideration, the receipt of which is hereby acknowledged, we by these presents do sell, assign, and transfer unto the said Government of the United States, as represented by the United States Department of Energy, and/or its assigns, the entire right, title, and interest in and to the said invention and in and to any and all Letters Patent wherever they may be granted thereon as well as reissues and extensions of said Letters Patent are or may be granted, reissued, or extended, as fully and entirely as the same would have been held or enjoyed by us had this assignment not been made.

We agree to make, execute, and deliver unto the Government of the United States, or to the United States Department of Energy, any and all papers, documents, affidavits, renewal, divisional and reissue applications, statements, or other instruments in such usual or other forms, terms and contents as may be required by the United States Department of Energy, or its duly authorized representative, in or incident to the prosecution or conduct of any and all applications, before as well as after the issuance of any Letters thereon, or in the adjustment or settlement of any interferences or other actions or proceedings that said applications may encounter or in which they may become involved and we agree that we will encounter or in which they may become involved and we agree that we will aid the Government of the United States in every way in protecting the inventions as may be requested by the United States Department of Energy or its assigns, except that any expenses arising through extending such assistance will be paid for by proper arrangement with the Government of the United States.

WITNESS:

Wolfgang Leubner
(SEAL)

WITNESS:

Robert Bilody
(SEAL)

INVENTORS:

Wolf Blitsky
Date Oct. 1st, 2000

Chris R. Samuel
Date Oct 1, 2000.

Approved and consented to this 1 day of October, 2000.

ATTEST:

(SEAL)

By _____

Its _____

Accepted for the Benefit of the Government of the United States.

UNITED STATES DEPARTMENT OF ENERGY

WITNESS:

By _____
Assistant General Counsel for Patents